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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,826	08/10/2001	Wade F. Schott	10001-30495	6253
2574	7590	09/02/2004	EXAMINER	
JENNER & BLOCK, LLP ONE IBM PLAZA CHICAGO, IL 60611			HIRL, JOSEPH P	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/927,826

**Applicant(s)**

SCHOTT ET AL.

**Examiner**

Joseph P. Hirl

**Art Unit**

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) ✓                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-56 are pending in this application.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-56 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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5. Claims 1-56 are rejected under 35 U.S.C. 102(a) as being anticipated by Chen et al (ACM 1-58113-326-X/01/0005, referred to as **Chen**).

**Claim 1**

Chen anticipates a language agent (**Chen**, Fig. 1; Examiner's Note (EN): as part of the Reasoning Engine interfacing with Users, including domain description formulae to the World model); a knowledge agent (**Chen**, Fig. 1; EN: domain knowledge); and a brain agent (**Chen**, P 6, c 1, l 13-15); wherein said brain agent is adapted to receive input and to selectively interact with said language agent and said knowledge agent to interpret the input and to provide output in response to the input (**Chen**, Fig. 1, EN: Reasoning Engine).

**Claims 2, 30**

Chen anticipates said brain agent is further adapted to selectively interact with said language agent and said knowledge agent to conceptually parse the input (**Chen**, Fig. 1, p6, c1, l 32-34; EN: interpreter does the parsing).

**Claims 3, 4, 31, 32**

Chen anticipates one or more external data sources (**Chen**, p 6, c 1, l 23-32); one or more connectors to said one or more external data sources (**Chen**, p 6, c 1, l 23-40); and wherein said brain agent is further adapted to selectively interact with said one or more connectors (**Chen**, p 6, c 1, l 23-40; Fig. 1).

**Claims 5, 33**

Chen anticipates a personality agent (**Chen**, p 7, c 1, l 17-26), and wherein said brain agent is further adapted to selectively interact with said personality agent to

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interpret the input and provide output in response to the input (**Chen**, Fig. 1; p 7, c 1, l 17-26).

**Claims 6, 34**

Chen anticipates said brain agent is further adapted to selectively interact with said language agent, said knowledge agent, and said personality agent to conceptually parse the input (**Chen**, Fig. 1; p 7, c 1, l 17-26).

**Claims 7, 35**

Chen anticipates one or more external data sources (**Chen**, p 6, c 1, l 23-32); one or more connectors to said one or more external data sources (**Chen**, p 6, c 1, l 23-40); and wherein said personality agent is adapted to selectively interact with said one or more connectors (**Chen**, Fig. 1; p 7, c 1, l 17-26).

**Claims 8, 36**

Chen anticipates an error handling agent (**Chen**, p 6, c 1, l 15-16; EN such is the reactive layer), and wherein said brain agent is further adapted to selectively interact with said error handling agent to interpret the input and to provide output in response to the input (**Chen**, p 6, c 1, l 16-18).

**Claims 9, 37**

Chen anticipates said brain agent is further adapted to selectively interact with said language agent, said knowledge agent, and said error handling agent to conceptually parse the input (**Chen**, Fig. 1, p6, c1, l 32-34; EN: interpreter does the parsing).

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**Claims 10, 38**

Chen anticipates one or more external data sources (**Chen**, p 6, c 1, l 23-32); one or more connectors to said one or more external data sources; and wherein said error handling agent is adapted to selectively interact with said one or more connectors (**Chen**, Fig. 1, p6, c1, l 16-19; EN: interpret is selective interaction).

**Claims 11, 39**

Chen anticipates a profile agent, and wherein said brain agent is further adapted to selectively interact with said profile agent to interpret the input and to provide output in response to the input (**Chen**, Fig. 1, p6, c1, l 13-19).

**Claims 12, 40**

Chen anticipates said brain agent is further adapted to selectively interact with said language agent, said knowledge agent, and said profile agent to conceptually parse the input (**Chen**, Fig. 1, p6, c1, l 13-19).

**Claims 13, 41**

Chen anticipates one or more external data sources (**Chen**, p 6, c 1, l 23-32); one or more connectors to said one or more external data sources (**Chen**, p 6, c 1, l 23-40); and wherein said profile agent is adapted to selectively interact with said one or more connectors (**Chen**, p 6, c 1, l 23-34; EN: profile agent relates to "how" shown by interpreter).

**Claims 14, 42**

Chen anticipates a mood agent (**Chen**, Fig. 1; p 7, c 1, l 17-26; EN: such as illustrated by "shaking hands"), and wherein said brain agent is further adapted to

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selectively interact with said mood agent to interpret the input and to provide output in response to the input (**Chen**, Fig. 1; p 7, c 1, l 17-26).

**Claims 15, 43**

Chen anticipates said brain agent is further adapted to selectively interact with said language agent, said knowledge agent, and said mood agent to conceptually parse the input (**Chen**, Fig. 1, p6, c1, l 32-34; EN: interpreter does the parsing).

**Claims 16, 44**

Chen anticipates one or more external data sources (**Chen**, p 6, c 1, l 23-32); one or more connectors to said one or more external data sources (**Chen**, p 6, c 1, l 23-40); and wherein said mood agent is adapted to selectively interact with said one or more connectors (**Chen**, p 6, c 1, l 23-34; EN: mood agent relates to temporal emotional state shown by interpreter).

**Claims 17, 45**

Chen anticipates a visual agent (**Chen**, p 6, c 1, l 13-15; EN: perception provides visibility), and wherein said brain agent is further adapted to selectively interact with said visual agent to interpret the input and to provide output in response to the input (**Chen**, p 6, c 1, l 23-40; EN: such as in collision avoidance).

**Claims 18, 46**

Chen anticipates said brain agent is further adapted to selectively interact with said language agent, said knowledge agent, and said visual agent to conceptually parse the input (**Chen**, p 6, c 1, l 26-28; EN: such as in collision avoidance).

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**Claims 19, 47**

Chen anticipates one or more external data sources (**Chen**, p 6, c 1, l 23-32); one or more connectors to said one or more external data sources (**Chen**, p 6, c 1, l 23-40); and wherein said visual agent is adapted to selectively interact with said one or more connectors (**Chen**, p 6, c 1, l 23-40; EN: such is interpretation for a complete plan for a given goal ... collision avoidance).

**Claims 20, 48**

Chen anticipates a sound agent (**Chen**, p 6, c 1, l 23-40; EN: "greeting friends" anticipates audio effects), and wherein said brain agent is further adapted to selectively interact with said sound agent to interpret the input and to provide output in response to the input (**Chen**, p 6, c 1, l 23-40).

**Claims 21, 49**

Chen anticipates said brain agent is further adapted to selectively interact with said language agent, said knowledge agent, and said sound agent to conceptually parse the input (**Chen**, p 6, c 1, l 23-40).

**Claims 22, 50**

Chen anticipates one or more external data sources (**Chen**, p 6, c 1, l 23-32); one or more connectors to said one or more external data sources (**Chen**, p 6, c 1, l 23-40); and wherein said sound agent is adapted to selectively interact with said one or more connectors (**Chen**, p 6, c 1, l 23-40; Fig. 1).



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**Claims 23, 51**

Chen anticipates a tactile agent (**Chen**, p 7, c 1, l 17-26), and wherein said brain agent is further adapted to selectively interact with said tactile agent to interpret the input and to provide output in response to the input (**Chen**, p 7, c 1, l 17-26; EN: such as in a hand shake).

**Claims 24, 52**

Chen anticipates said brain agent is further adapted to selectively interact with said language agent, said knowledge agent, and said tactile agent to conceptually parse the input (**Chen**, p 7, c 1, l 13-26; EN: such as in decomposition).

**Claims 25, 53**

Chen anticipates one or more external data sources (**Chen**, p 6, c 1, l 23-32); one or more connectors to said one or more external data sources (**Chen**, p 6, c 1, l 23-40); and wherein said tactile agent is adapted to selectively interact with said one or more connectors (**Chen**, p 7, c 1, l 13-26).

**Claims 26, 54**

Chen anticipates a smell/taste agent (**Chen**, p 6, c 1, l 23-40; EN: "having drink"), and wherein said brain agent is further adapted to selectively interact with said smell/taste agent to interpret the input and to provide output in response to the input (**Chen**, p 6, c 1, l 23-40).

**Claims 27, 55**

Chen anticipates said brain agent is further adapted to selectively interact with said language agent, said knowledge agent, and said smell/taste agent to conceptually

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parse the input (**Chen**, p 6, c 1, l 23-40; Fig. 1)

**Claims 28, 56**

Chen anticipates one or more external data sources (**Chen**, p 6, c 1, l 23-32); one or more connectors to said one or more external data sources (**Chen**, p 6, c 1, l 23-40); and wherein said smell/taste agent is adapted to selectively interact with said one or more connectors (**Chen**, p 6, c 1, l 23-40).

**Claim 29**

Chen anticipates receiving input (**Chen**, Fig. 1); and using a brain agent to selectively interact with a language agent and a knowledge agent to interpret the input and to provide output in response to the input (**Chen**, p 6, c 1, l 9-21; Fig. 1).

***Examination Considerations***

6. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the

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art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

7. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

8. Examiner's Opinion: The Examiner has full latitude to interpret each claim in the broadest reasonable sense. While the application as noted in the prior art was used to demonstrate anticipation over the subject application, the theory as disclosed in the prior art also applies as anticipation.

### ***Conclusion***

9. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

- Christian et al, ACM 2000 1-58113-216-6/00/04
- Armstrong, U.S. Patent 6,314,411
- Kashani, U.S. Pub. 2002/0032875
- Brandenburg et al, U.S.Pub. 2003/0063072

10. Claims 1-56 are rejected.

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***Correspondence Information***

11. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (703) 308-3179.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of "Proposed" or "Draft" for the desk of the Examiner).

Note: During the last two weeks of October 2004, Art Unit 2121 will move to Carlyle, Randolph Building, 5<sup>th</sup> floor and my phone and fax number will change to: 571-272-3685 and 571-273-3685, respectively. Similarly, Anthony Knight's phone and fax numbers will change to: 571-272-3687 and 571-273-3687.

  
Joseph P. Hirl

September 1, 2004